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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/807,402
Applicant : HOWARD et al.
Filed: : March 24, 2004
TC/A.U. : 1761
Examiner : To Be Assigned

Confirmation No.: 3856

Docket No. : 1410/77072
Customer No. : 22242

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

June 21, 2004

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

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The Information Disclosure Statement is being filed:

- (X) **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- () **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
 - () the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
or
 - () the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- () **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- () **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

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Copies of the Non-U.S. Patent References

- (X) Copies of the non-U.S. patent references listed on the enclosed Form 1449 are enclosed herewith.

Concise Explanation of Relevance:

In conformance with 37 CFR 1.98(a)(3)(i), a concise explanation of the relevance, as it is presently understood, of each the listed Japanese published patent applications JP 63-279773-A and JP 62-275674-A, is set forth in respective enclosed English-language abstracts therefor.

- () A copy of the International Search Report is enclosed herewith.
- () The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (<i>check one</i>)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under 37 CFR 1.97(e)

- () The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.

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- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- ☒ **No fee** is owed by the applicant(s).
☐ The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

Method of Payment of Fees

- ☐ Attached is a check in the amount of \$180.00.
☐ Charge Deposit Account No. 06-1135 in the amount of \$. (A duplicate copy of this communication is enclosed for that purpose.)

Authorization to Charge Additional Fees

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 06-1135. (A duplicate copy of this communication is enclosed for that purpose.)

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Instructions as to Overpayment

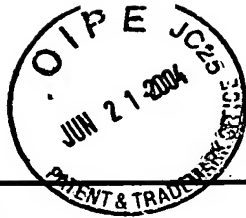
(X) Credit Account No. 06-1135.
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Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: Ramon R Hoch
Ramon R. Hoch
Registration No. 34,108

FITCH, EVEN, TABIN & FLANNERY
1801 K Street, N.W.
Suite 400L
Washington, D.C. 20006-1201
Telephone: (202) 419-7000
Facsimile: (202) 419-7007



PTO/SB/08A Substitute for Form PTO-1449 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number		10/807,402	
		Filing Date		March 24, 2004	
		First Named Inventor		HOWARD et al.	
		Art Unit		1761	
		Examiner Name		To Be Assigned	
Sheet	1	of	3	Attorney Docket	1710/77072

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ²			
		US- 3,541,946	11-24-1970	Johnston	
		US- 3,572,259	03-23-1971	Hayashi	
		US- 3,615,675	10-26-1971	Wisdom et al.	
		US- 3,860,373	01-14-1975	Kaufman et al.	
		US- 3,945,785	03-23-1976	Belshaw et al.	
		US- 4,251,201	02-17-1981	Krysiak	
		US- 4,259,051	03-31-1981	Shatila	
		US- 4,332,538	06-01-1982	Campbell	
		US- 4,370,779	02-01-1983	Meier	
		US- 4,469,475	09-04-1984	Krysiak	
		US- 4,486,163	12-04-1984	Pfeilstetter	
		US- 4,618,499	10-21-1986	Wainwright	
		US- 4,659,580	04-21-1987	Svengren	
		US- 4,685,874	08-11-1987	Dreisin	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵			
		EP O 720 816 B1	10-27-1999	Bohlmeijer et al.	
		JP 63-279773 A	11-16-1988	Fumihiko	
		JP 62-275674 A	11-30-1987	Hidefumi	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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		Number-Kind Code ²			
		US- 4,698,004	10-06-1987	Ramnarine	
		US- 4,794,009	12-27-1988	Dreisin	
		US- 4,815,959	03-28-1989	Stoeckli et al.	
		US- 4,835,000	05-30-1989	Kehoe	
		US- 4,868,002	09-19-1989	Scaglione et al.	
		US- 4,882,185	11-21-1989	Simelunas et al.	
		US- 4,883,421	11-28-1989	Morgan	
		US- 4,888,192	12-19-1989	Ramnarine	
		US- 5,015,488	05-14-1991	Van Lengerich et al.	
		US- 5,083,507	01-28-1992	Van Haren	
		US- 5,110,276	05-05-1992	Farnsworth et al.	
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		US- 5,112,631	05-12-1992	Nakamura	
		US- 5,620,713	04-15-1997	Rasmussen	

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Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵				

Examiner Signature		Date Considered	
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		Number-Kind Code ²			
		US- 5,654,021	08-05-1997	Burger	
		US- 5,673,612	10-07-1007	Svensen	
		US- 5,759,602	06-02-1998	Kobussen et al.	
		US- 6,303,168 B1	10-16-2001	Campbell	
		US- 6,328,550 B1	12-11-2001	Sheen et al.	
		US- 6,331,104 B1	12-18-2001	Kobussen et al.	
		US- 6,444,245 B1	09-03-2002	Burger	
		US- 6,626,660 B1	09-30-2003	Olson et al.	
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